

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CHARLES RAY HICKS,	:	
Plaintiff	:	Civil Action No. 1:17-cv-01969
	:	
v.	:	(Chief Judge Conner)
	:	
	:	
JOHN E. WETZEL, Secretary, <i>et al.</i> ,	:	
Defendants	:	Filed Via Electronic Case File

**BRIEF IN SUPPORT OF MOTION TO STAY PROCEEDINGS**

**I. STATEMENT OF THE CASE**

Plaintiff is an inmate in the capital case unit of the Pennsylvania State Correctional Institute at Greene. He filed the above case against several officials of the PA Department of Corrections (“Department”).

Plaintiff was ordered to file a habeas petition on or before October 2, 2018. After receiving an extension on that filing, and then two failed attempts to receive documents directly from his attorney in preparation of the filing of that petition, Plaintiff filed a motion seeking a court order to compel the Department to provide Plaintiff with the originals of his legal mail rather than a copy. Plaintiff alleges that because of the Department-wide change in the processing of legal mail, and his inability to retain originals under the new policy, he cannot adequately communicate with his attorney in order to file said petition.

This Brief is filed in support of the Defendants’ Motion to Stay Proceedings.

## **II. STATEMENT OF ISSUE PRESENTED**

Should these proceedings be stayed pending resolution of the issues raised in Plaintiff's motion?

Suggested Answer: Yes.

## **III. ARGUMENT**

These proceedings should be stayed pending resolution of the issues raised in Plaintiff's motion. Defendants' counsel recently contacted Plaintiff's counsel in an attempt to resolve the issues raised in Plaintiff's motion, and those attempts are being made in conjunction with the filing of this request. Plaintiff concurs with the filing of this motion, and intends to withdraw the motion to compel upon successful completion of the desired events. Counsel believe that those events will be completed by mid-December of 2018.

## **IV. CONCLUSION**

For all the above reasons, it is respectfully requested that the Court grant the Defendants' Motion to Stay Proceedings.

Respectfully submitted,

Office of General Counsel

By: /s/ Abby N. Trovinger  
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Dated: November 16, 2018

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**CERTIFICATE OF SERVICE**

I hereby certify that I am this day serving a true and correct copy of the foregoing Defendants' Motion to Stay Proceedings by first-class mail addressed as follows:

Kelly D. Miller, Esquire  
Asst. Federal Public Defender  
**Federal Public Defender for the  
Middle District of Pennsylvania**

By: /s/ Abby N. Trovinger  
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Dated: November 16, 2018